

Chapter 12 LEARNFARE

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**12.1.0 PROGRAM GOAL**

The goal of Learnfare is to help children fulfill their potential in life by providing programs and opportunities that will enable them to attend and complete school, obtain employment, and break the cycle of welfare dependency. The Learnfare requirement to be enrolled in school is balanced by the provision of case management, especially for at-risk children, to address barriers, maintain school enrollment, and improve attendance.

Learnfare has three program requirements:

1. **School Enrollment.** Children in W-2 groups are required to be enrolled in school.
2. **Mandatory Case Management.** Members of certain target groups are required to participate in case management
3. **Financial Penalty.** A financial penalty is imposed for not being enrolled in school or, if not enrolled, for not participating in case management, if required to do so.

**12.2.0 INDIVIDUALS SUBJECT TO SCHOOL ENROLLMENT**

An individual is required to be enrolled in school if s/he:

1. Is in a W-2 group whose parent is placed in a Trial Job, Community Service Job (CSJ), or W-2 Transition (W-2 T);
2. Is age 6 through 17 (beginning on the first day of the fall 1997 school term);
3. Has not graduated from high school or obtained a HSED/GED; and
4. Is a parent or resides with his or her natural or adoptive parent.

An individual is exempt from school enrollment requirement if:

1. S/he is excused from attending school under s. 118.15 (3), Wisc. Stats;
2. S/he is the caretaker of a child who is less than 45 days old and child care is not available at school or home instruction is not available;
3. Child care is needed for the student to attend school but child care and transportation to and from child care are not available;
4. S/he is prohibited from attending school while an expulsion is pending;
5. S/he was expelled from school and there is no other school available because:
  - a. There is no public or private school within reasonable travel time or distance which will accept the student.

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- b. There is no private or public transportation available to another school.
  - c. There is a public or private school which will accept the student but the tuition charge is prohibitive and the student's school district refuses to pay the tuition.
- 6. A physician has determined that she should delay her return to school after giving birth;
  - 7. S/he is on the waiting list for a children-at-risk program and such a program is not available;
  - 8. S/he or a family member is ill, injured, or incapacitated. ("Family member" means his/her spouse, dependent child, or parent who lives with him/her);
  - 9. S/he is temporarily incarcerated; or
  - 10. Circumstances beyond his/her control make him/her unable to be enrolled in school.

Additional exemption reasons may be determined by the W-2 agency or justified through the fact-finding review or fair hearing decision.

Children who receive SSI are no longer automatically exempt from Learnfare requirements. However, information on the child's disability and its effect on school enrollment should be considered by the FEP or Learnfare case manager when making an exemption determination.

Any individual exempt from the school enrollment requirement is required to participate in case management if s/he is one of the target groups.

**12.3.0**

**SCHOOL DEFINITION**

A school is any one of the following:

- 1. Public school.
- 2. Private school.
- 3. Department of Public Instruction (DPI) registered home educational program including home based and home school instruction.
- 4. Wisconsin Technical College System (WTCS) school.
- 5. DPI-approved HS equivalency course of study.
- 6. Programs, including English as a Second Language (ESL) instruction, leading to a GED test.

**12.4.0**

**TARGET GROUPS FOR MANDATORY CASE MANAGEMENT**

Four target groups are mandatory for case management:

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1. Students not enrolled in school;
2. Dropouts or returning dropouts;
3. Habitual truants; and
4. Minor parents.

A dropout means a child who has 20 consecutive full days of unexcused absence, has not graduated from high school or receive a high equivalency diploma, and does not have an acceptable excuse under s. 118.15 (1) (b) to (d) or (3), Stats.

A returning dropout is defined as dropping out of school and returning in the same or immediately succeeding semester.

Habitual truancy is defined as being absent without an acceptable excuse, as defined by the school, for:

- Part or all of five or more days on which school is held during a school semester (s.118.16(1)(a), Wisc. Stats.).

Some schools do not operate on a semester basis. Examples are quarters or trimesters. For these schools, use the following definition of semester:

1. Fall semester: September 1 through January 15
2. Spring semester: January 16 through May 31

A student identified as mandatory for case management will remain mandatory until the next review date, unless any of the following occurs:

- The parent of the Learnfare student is no longer placed in a W-2 Trial Job, CSJ, or W-2T position;
- The student has reached age 18;
- The minor parent has lost his/her child through death or adoption; or
- The student has completed two consecutive semesters, including the semester during which the student returns to school, in the case of a returning dropout.

Any student enrolled in case management can continue to receive Learnfare case management services through the end of the school semester even when s/he is no longer mandatory.

A financial penalty must not be imposed on students who voluntarily continue to participate in Learnfare case management.

**12.5.0**

**ENROLLMENT VERIFICATION AND MANDATORY CASE MANAGEMENT DETERMINATION REQUIREMENTS**

At the initial W-2 eligibility determination and at each review, the FEP must verify enrollment for each child subject to Learnfare, and determine if the child is mandatory for Learnfare case management.

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The FEP must also verify enrollment and make determination for mandatory case management when the FEP receives information or has reason to believe that a child in a W-2 group whose parent is placed in a Trial Job, CSJ, or W-2T becomes a dropout, habitual truant, or minor parent.

Verification may be in any form determined effective and efficient by the W-2 agency including, if necessary, documentation provided by or through the school. The family has the primary responsibility for providing the verification. The FEP may assist in obtaining needed documents to expedite the verification process. If the family does not have the power to produce the verification, or requires assistance to do so, the FEP must proceed immediately to seek the verification.

The family has seven working days from the date of the verification request to provide the verification. The verification due date may be extended up to 30 days from the initial request for W-2 services under extenuating circumstances. (See Section II - Chapter 3)

Any instance where a parent refuses to provide verification of school enrollment will make the W-2 group ineligible for a W-2 employment position.

While school is in session, the FEP must verify enrollment in the current semester only. When school is not in session, the FEP must verify enrollment in the immediately preceding semester. When making a determination as to whether a student is a returning dropout, the FEP must review information from both the current and immediately preceding semesters. To determine if a student is an habitual truant, the FEP must review school attendance in the current semester only, unless no more than four weeks have passed since the current semester starts.

#### **12.6.0 LEARNFARE CASE MANAGEMENT**

Students who are not enrolled in school or who are dropouts, returning dropouts, habitual truants, or minor parents are required to participate in case management.

The FEP or Learnfare specialist must enroll mandatory individuals in Learnfare case management within 14 working days of the date being referred for Learnfare case management.

#### **12.6.1 W-2 Employability Plan (EP) and Learnfare Case Management Plan**

Documentation is required on the W-2 EP of all W-2 participants in a Trial Job, CSJ or W-2 T for each child subject to Learnfare. The activity should detail the parents' responsibility to ensure that all children ages 6 to 17 are enrolled in school and that they will comply with Learnfare case management efforts if the children are mandatory for Learnfare case management. (See Chapter 6 for more information on the W-2 Employability Plan).

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A Learnfare Case Management Plan must be completed for all students who are mandatory for Learnfare case management.

A comprehensive Learnfare Case Management Plan must include:

1. Goals for the child during Learnfare case management;
2. Description of the activity planned;
3. Planned begin and end dates for each activity;
4. Agencies/parties that will provide the services; and
5. Signature of the parent(s).

The Learnfare Case Management Plan may integrate an activity service plan prepared by other local government agencies, community-based organizations, judicial entities, or professional health providers with whom the Learnfare participant is currently involved or the case manager deems appropriate. It also incorporates any plans already developed by the school to address school attendance/achievement or at-risk indicators.

The school or school district should be the primary provider of services to Learnfare participants. Therefore, collaboration and coordination with the school is essential to the development of the Learnfare Case Management Plan.

### **12.6.2 Focus of Learnfare Case Management**

W-2 agencies must provide services which maintain school enrollment, improve school attendance, and prepare students for a career.

For those students in high school, Learnfare case management should focus on graduation, career and/or employment planning, job readiness, and job seeking/job retention activity as appropriate.

For those students in elementary and middle schools, Learnfare case management should focus on maintaining school enrollment and attendance.

For minor parents, Learnfare case management should also focus on parenting skills and family planning. The overall goal for Learnfare case management with minor parents is to delay pregnancy until the minor parents are ready emotionally and economically to support additional children.

### **12.6.3 Learnfare Case Management Requirements**

All students mandatory for Learnfare case management must cooperate with case management. Failure to cooperate with case management for the following students may result in a financial penalty:

1. Students who are not enrolled in school.
2. Students who are not enrolled in school and who continue to not be enrolled in school after they are referred for case management. This group include students who are dropouts and who continue to remain dropouts after they are

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referred for case management, if their local school district consider dropouts to be not enrolled.

Do not impose a penalty on the above students if the participant or family requests a Fact Finding Review within (10) days from the date of the Learnfare Penalty Notification, stating the student is not in compliance with Learnfare requirements. A Learnfare penalty cannot be imposed until after the Fact Finding decision is issued and is favorable to the agency, unless the participant withdraws the petition in writing or abandons the petition.

The following groups are required to participate in case management but do not impose a financial penalty for failure to cooperate:

1. Minor parents in good standing.
2. Habitual truants
3. Returning dropouts.

12.6.3.1

*Enrollment Efforts*

The student or his/her parent must respond to efforts to enroll the student in Learnfare case management.

The W-2 Agency must make the following efforts to enroll a student in Learnfare case management:

1. Upon receiving a referral or having identified that a student is mandatory for case management, the FEP or Learnfare specialist will schedule an initial appointment with the student and his/her parent for the purposes of conducting the assessment and completing the Learnfare Case Management Plan. The FEP or Learnfare specialist must schedule the appointment at a time when it will not interfere with the student's school or the parent's work schedule. The FEP or Learnfare specialist will send written notice of the initial appointment to the student and his/her parent seven working days before the appointment date. The notice shall clearly state that if the student and his/her parent are unable to attend, the student or his/her parent must contact the FEP or Learnfare specialist before the scheduled appointment date to reschedule the appointment.
2. If the student and his/her parent fail to report for the initial appointment or fail to reschedule the first appointment, the FEP or Learnfare specialist will send a second and last notice. This notice will ask the student or his/her parent to contact the FEP or Learnfare specialist within five working days. Otherwise, a financial penalty may be imposed in the next possible payment month. A home visit is strongly encouraged before the financial penalty is imposed.
3. For students who are not subject to a financial penalty for failure to cooperate with case management, the FEP or Learnfare case manager should:
  - a. Attempt to meet with the child at school.
  - b. Contact parents to schedule the initial appointment by telephone rather than letter.

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- c. If the Learnfare case manager is not the FEP, attend the next scheduled review and explain the services that are available to the student.
- d. Contact teachers and administrators who have contact with the student to determine what has been tried with the family and student already, and ask for suggestions on what would be a positive way to approach the child or family.

12.6.3.2 *Case Management Services*

Once enrolled in Learnfare case management, case management requirements include:

- 1. The student and his/her parent must participate in the assessment and development of the Learnfare Case Management Plan and the parent must sign the Plan once completed.
- 2. The student or his/her parent must provide verification of the student's return to school and attendance within seven working days of the date a school is available, if the student is a dropout.
- 3. The student and his/her parent must attend meetings scheduled and moderated by the FEP or Learnfare specialist. Meetings will be scheduled so as not to interfere with the parent's work schedule. No more than one mandatory meeting will be scheduled per month.

The FEP or Learnfare specialist must notify the student and his/her parent seven working days before the scheduled meeting date. If the student and his/her parent fail to report for the meeting or fail to reschedule the meeting, the FEP or Learnfare specialist will send a written notice. This notice will ask the student or his/her parent to contact the FEP or Learnfare specialist within five working days. Otherwise, a financial penalty may be imposed in the next possible payment month. (See 12.7.0)

- 4. The parent must participate along with the student in special services which a student has needs for, as determined by the FEP or Learnfare specialist, and

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where parent participation is indicated. Any special services will be made available at a time that does not interfere with the parent's work schedule.

5. The student or parent must engage in activities identified by the FEP or the Learnfare specialist in the Learnfare case management plan as being necessary to maintain school enrollment or improve school attendance.

## **12.7.0 LEARNFARE FINANCIAL PENALTY**

The following students are subject to financial penalty:

1. Students who are not enrolled in school; and
2. Students who are not enrolled in school and who fail to cooperate with Learnfare case management without good cause. This group includes students who are dropouts if their local school district considers dropouts as not being enrolled.

The following groups are required to participate in case management, but do not impose a financial penalty for failure to cooperate:

- a. Minor parents in good standing.
- b. Habitual truants
- c. Returning dropouts.

The financial penalty is in the amount of \$50 per month per child, not to exceed \$150 per W-2 group per month. If a financial penalty is entered into CARES for a CSJ or W-2 T position, a notice will be sent indicating that the W-2 grant may be reduced for a Learnfare financial penalty. If a financial penalty is imposed on a Trial Job, a letter will be sent to the parent indicating that a Learnfare financial penalty must be paid. The notice or letter will inform the participant that they have 10 days to request a Fact Finding Review from the date on the notice. A penalty cannot be imposed during that 10 day time period. If the participant requests a Fact Finding Review within the 10 day period, do not impose a penalty until after the fact finding decision is determined, unless the participant withdraws the petition in writing or abandons the petition. (See Chapter 19 for more information on the Fact Finding process.)

A financial penalty must take effect in the next possible benefit month after the sanctionable event has occurred. The FEP or Learnfare specialist must impose a financial penalty every month until the sanctionable event is cured.

A financial penalty must not be imposed on students who voluntarily continue to participate in Learnfare case management.

### **12.7.1 Good Cause for Failing to Cooperate with Learnfare Case Management**



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The FEP or Learnfare specialist must determine if a student and his/her parent had good cause for failing to cooperate with Learnfare case management. In making the determination, the FEP or Learnfare specialist may require the student or his/her parent to provide written documentation that good cause existed.

If the student or his/her parent does not have the power to produce documentation of good cause, or requires assistance to do so, the FEP or Learnfare specialist must proceed immediately to seek the documentation.

Good cause for failing to cooperate with Learnfare case management shall be any of the following circumstances:

1. Child care is needed for the student or minor parent to participate in case management, but child care is not available.
2. Transportation is needed to and from child care for the minor parent's child, but neither public nor private transportation is available.
3. Court-required appearance or temporary incarceration. Any court appearance for a victim of domestic abuse is considered a court-required appearance.
4. Observance of a religious holiday.
5. Death of a relative.
6. Family emergency.
7. Illness, injury, or incapacity of the student or a family member (spouse, child, or parent) living with the student.
8. Medical or dental appointment for the student or his/her child.
9. Breakdown in transportation.
10. A fair hearing decision or a fact-finding review identifies circumstances that justify good cause.
11. Other circumstances beyond the control of the student or his/her parents, but only as determined by the FEP or Learnfare specialist.